

IED's to commit the killing of U.S. nationals outside of the United States, or the killing of any officer or employee of the United States).

### **Elements of the Offense**

As to each of these Counts, to satisfy its burden of proof, the government must establish <sup>all</sup> each of the following elements beyond a reasonable doubt:

*First*, the defendants distributed by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, or destructive device; and

*Second*, the defendant acted with the intent that the information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; namely the killing of a United States national outside the United States, or the killing of any officer or employee of the United States ~~an officer or employee of the United States~~

#### **First Element – Distribution of the Manufacture or Use of an Explosive, Destructive Device**

The first element that the government must prove beyond a reasonable doubt is that the defendant distributed, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive or destructive device.

### **Definitions**

The terms used in the first element of this charge have the following meanings:

“Distribute” means to “sell, issue, give, transfer, or otherwise dispose of” by any means.

“Explosive” includes:

gun powders, powders used for blasting, all forms of high explosives, blasting materials, fuses (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, other explosive or incendiary devices and any chemical compounds, mechanical mixture, or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion, or detonation of the compound, mixture, or device or any part thereof may cause an explosion.

“Destructive device” includes: